

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
BRIAN NOEL SABOWITZ AND	§	CASE NO. 10-54466-KING
CATHY ELIZABETH DUNN BLACKWELL,	§	
	§	
Debtors	§	CHAPTER 7

**RESPONSE TO MOTION TO SELL STOCK IN HORIZON BANCORP, INC.
TO JM PARTNERS LLC FREE AND CLEAR OF LIENS**

TO THE HONORABLE RONALD B. KING, UNITED STATES CHIEF BANKRUPTCY JUDGE:

1.

John Patrick Lowe, Trustee, files this Response to the Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens.

2.

After the Trustee filed his Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens to sell the estates' stock in Horizon Bancorp Inc. for the amount of \$1,000.00 to JM Partners LLC, the Trustee received by email a higher offer for the stock. The Trustee's motion does not contain negative notice language and will thus be set for hearing in the ordinary course of business.

3.

The Trustee suspects that, because of the small asset being sold, bidders will not want to make personal appearances in the Court in San Antonio. The Trustee also suspects that, if at least two bidders will bid on the stock, telephonic appearances will not be possible since the Court cannot accommodate more than one caller into a live Court hearing. While the Court often handles telephonic appearances with multiple parties on one phone call, that would be awkward if all of the parties on the call are bidding against each other. That leaves sealed bids. Unless the Trustee receives objections from any bidder, the Trustee will act as if the Trustee will receive at least one sealed bid, to be opened

by the Trustee in open court on the day the sale motion is heard by the Court. Any and all bids will be marked, offered and admitted into evidence and retained by the Court as court records until discarded in the normal course of business. If sealed bids are submitted to the Trustee, he should receive them at least 24 hours before the date of the hearing. The Trustee will notify all parties on the Trustee's service list and any party expressing an interest in bidding, of the date, time and place of the hearing.

Dated: September 22, 2011.

Respectfully submitted,



John Patrick Lowe, Trustee
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Response to Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens, has been mailed to the Debtors, Debtors' attorney, and the attached Service List, by first class mail, postage prepaid, on this the 22nd day of September 2011.



Patrick Lowe

SERVICE LIST

Brian Noel Sabowitz
Cathy Elizabeth Dunn Blackwell
1622 Foxberry
San Antonio, TX 78248

William R. Davis, Jr.
Langley & Banack, Inc.
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San Antonio, TX 78212

Judy A. Robbins
US Trustee's Office
615 E Houston, Ste 533
PO Box 1539
San Antonio, TX 78295-1539

First Tennessee Bank National Association
c/o Joshua R. Holden
P.O. Box 2428
Knoxville, TN 37901-2428

Fayette A/C & Sheetmetal
1971 Industrial Blvd
Lake Havasu City, AZ 86403-7605

Today's News-Herald
River City Newspapers, LLC
2225 W. Acoma Blvd
Lake Havasu City, AZ 86403-2907

Horizon Community Bank
223 N. Lake Havasu Ave
Lake Havasu City, AZ 86403

JPMorgan Chase Bank, N.A.
c/o James Ball
Poli & Ball, PLC
2999 N. 44th St #500
Phoenix, AZ 85018-7246

American Express Bank FSB
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

PYOD LLC its successors and assigns as
assignee Citibank, NA
c/o Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

Key Equipment Finance
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Superior, CO 80027-9437

Lake Havasu City
2330 McCulloch Blvd N
Lake Havasu City, AZ 86403-5950

BCMD Holding Company, LLC
1481 Mojave Dr
Lake Havasu City, AZ 86406-8923

Smith-Tryon Family Health, Inc.
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